

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION

RECKO ELLIS,

Plaintiff,

vs.

OFFICER PATTERSON,

Defendant.

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Civil Action File No.  
**7:07-CV-25 (HL)**

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**RECOMMENDATION**

Presently pending in this *pro se* prisoner 42 U.S.C. §1983 action is plaintiff's motion for default (doc. 29). Plaintiff must be considered to be a frequent filer, as he currently has filed 18 lawsuits in this district alone since 2006.

Plaintiff moves the court to enter default against the defendant in this case for his failure to respond to plaintiff's motion to prosecute/right to a speedy trial (doc. 27) within 20 days as specified in the motion.

First of all, plaintiff does not get to set time constraints on the opposing party. That is something either encompassed within the Federal Rules of Civil Procedure, Local Rules, or set specifically by a judge. None of those set a time limit of 20 days to respond to a motion to prosecute.

Secondly, the undersigned has interpreted plaintiff's motion to prosecute/right to a speedy trial as a demand for trial, to which no response by defendant is required.

It is therefore the RECOMMENDATION of the undersigned that plaintiff's motion for default be **DENIED**. Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections

to this recommendation with the Honorable Hugh Lawson, United States District Judge,  
WITHIN TEN (10) DAYS of receipt thereof.

**SO RECOMMENDED**, this 12<sup>th</sup> day of May, 2008.

//S Richard L. Hodge  
RICHARD L. HODGE  
UNITED STATES MAGISTRATE JUDGE

msd